

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4176 of 1984

Date of decision: 23-8-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PATHAN MUJAFERKHAN MUSTUFAKHANPATHAN

Versus

DIST MAGISTRATE  
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Appearance:

None present for Petitioner

Mr. Nigam Shukla for Respondent No. 1, 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/08/96

ORAL JUDGEMENT

The petitioner filed this special civil application before this court praying that the orders at annexures B and E be quashed and set aside. Annexure-B dated 16-5-1984 is the order of the District Magistrate, Kheda, suspending the licence of the petitioner to possess gun, and directing him to hand over the gun and

cartridges at the District Headquarters. Annexure-E is the order under which the appeal filed by the petitioner against order annexure-B has been dismissed. Operation of this order has been stayed by this Court and the interim relief continues till date. In para 2 of the petition the petitioner stated that the licence was to expire on 29th August, 1984. This petition was filed by the petitioner before this Court on 13th August, 1984, i.e. just few days before the date of expiry of licence. The petitioner had full use of the licence as stay has been granted by this Court, and now this petition has become infructuous.

2. The Supreme Court in the case of S. A. Rasheed vs. Director of Mines and Geology, AIR 1995 SC 1739 has considered the matter, in which writ petition was filed praying for direction to the officers concerned to execute lease deed after long delay of eight years. The entire period of lease as contemplated by the grant had expired. In these facts the Supreme Court held that issuance of direction as sought in the writ petition was rightly held by the High Court as not just and proper. Similar is the case here where quashing of the orders annexure B and E may not be necessary. Licence itself had expired on 29th August, 1984.

3. In the result the writ petition fails and the same is dismissed. Rule discharged. Ad interim relief granted earlier by this Court stands vacated.

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